



SOCKET NO. 04-SH-122
CLIENT NO. STMI01-04122
Customer No. 30425

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stuart Ryan et al.
U.S. Patent No.: 7,774,574
Issue Date: August 10, 2010
Serial No.: 10/621,012
Filed: July 15, 2003
Title: PROTOTYPING INTEGRATED SYSTEMS
Art Unit No.: 2189
Examiner: Denise Tran
Confirmation No.: 9109

MAIL STOP PATENT EXT.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
DETERMINATION UNDER 37 C.F.R. § 1.705(d)

The Applicant respectfully requests that the Office reconsider the patent term adjustment determination for the above-identified issued patent. In support, the Applicant notes the following:

1. In the patent issued August 10, 2010, the patent term adjustment was determined to be 1,559 days.

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2. The Applicant believes the correct patent term adjustment should be calculated as

1,782 days.

3. This patent application was filed on July 15, 2003.
4. The first Office Action was mailed on September 9, 2005, which is 359 days after fourteen months from the filing date (+359 days).
5. A Notice of Appeal filed in response to the February 28, 2006 Office Action was received on July 31, 2006, resulting in a deduction of 64 days (-64 days).
6. This application was on appeal from July 31, 2006 until a favorable decision for the Applicant was sent on January 14, 2010, resulting in an extension of 1,264 days (+1,264 days).
7. The three-year mark after filing is July 15, 2006. As a result, the Applicant is entitled to an additional adjustment for any delay after July 15, 2006, to the extent that delay does not overlap with the appellate review period identified in Section 6 above.
8. The 15-day period from July 15, 2006 until the filing of the Notice of Appeal on July 31, 2006 results in an extension of 15 days (+15 days).
9. The period between the decision on appeal on January 14, 2010 and the issue date of August 10, 2010 results in an extension of 208 days (+208 days).
10. The Applicant therefore believes the correct patent term adjustment should be calculated as 1,782 days (359 days – 64 days + 1,264 days + 15 days + 208 days).
11. In the event the Applicant's calculation is incorrect and the Applicant is entitled to a patent term adjustment greater than 1,782 days, the Applicant respectfully requests the Office to determine and issue the proper patent term adjustment entitled to the Applicant.

Therefore, the Applicant respectfully requests that the Office reconsider the determination of patent term adjustment and find that the Applicant is entitled to a patent term adjustment in the amount of 1,782 days.

If any issues arise, the Applicant respectfully invites the Office to contact the undersigned at the telephone number indicated below or at wmunck@munckcarter.com.

The Applicant has included the appropriate fee for this petition. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP

Date: Aug. 11, 2010



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